

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT BANUELOS,

Plaintiff,

v.

A. AGUILAR,

Defendant.

No. 1:20-cv-00045-NONE-JLT (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION

(Doc. No. 9)

Plaintiff Robert Banuelos is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 23, 2020, the assigned magistrate judge issued a screening order, finding that plaintiff's complaint fails to state a cognizable claim and directing plaintiff to file a first amended complaint within twenty-one (21) days. (Doc. No. 7.) The U.S. Postal Service returned the order as undeliverable on May 11, 2020.

Pursuant to Local Rule 183(b), if mail directed to a *pro se* plaintiff "is returned by the U.S. Postal Service, and if such plaintiff fails to notify the Court and opposing parties within sixty-three (63) days thereafter of a current address, the Court may dismiss the action without prejudice for failure to prosecute." Although more than sixty-three days have passed, plaintiff has failed to notify the court of his current address.

1 Accordingly, on July 27, 2020, the assigned magistrate judge issued findings and
2 recommendations, recommending that this action be dismissed without prejudice for plaintiff's
3 failure to prosecute. (Doc. No. 9.) The findings and recommendations were served on plaintiff
4 and provided him fourteen (14) days to file objections thereto. (*Id.* at 2.) Plaintiff has not filed
5 any objections and the time to do so has passed.¹

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
7 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings
8 and recommendations to be supported by the record and proper analysis.

9 Accordingly,

- 10 1. The findings and recommendations issued on July 27, 2020 (Doc. No. 9) are
11 adopted in full;
- 12 2. This action is dismissed without prejudice for plaintiff's failure to prosecute; and,
- 13 3. The Clerk of the Court is directed to assign a district judge to this action for
14 purposes of closure and to close this case.

15 IT IS SO ORDERED.

16 Dated: September 4, 2020

17 
18 UNITED STATES DISTRICT JUDGE

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¹ Pursuant to Local Rule 182(f), if a *pro se* party fails to notify the court of a change of address, "service of documents at the prior address [of record] of the . . . party shall be fully effective."